

SEP 22 2003

PTO/SB/30 (08-00)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

**Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,
provides for continued examination of a utility or plant application
filed on or after June 8, 1995**

See the American Inventors Protection Act of 1999 (AIPA).

Application Number	09/837,234
Filing Date	April 18, 2001
First Named Inventor	D. KLUG et al.
Group Art Unit	1761
Examiner Name	L. TRAN
Attorney Docket Number	88265-4026

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

- a. Previously submitted
 - i. Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on July 31, 2003, and
(Any unentered amendment(s) referred to above will be entered).
 - ii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - iii. Other _____
- b. Enclosed
 - i. Reply with Petition for Extension of Time
 - ii. Affidavit(s)/Declaration(s)
 - iii. Information Disclosure Statement (IDS)
 - iv. Other: Fee Transmittal

2. Miscellaneous

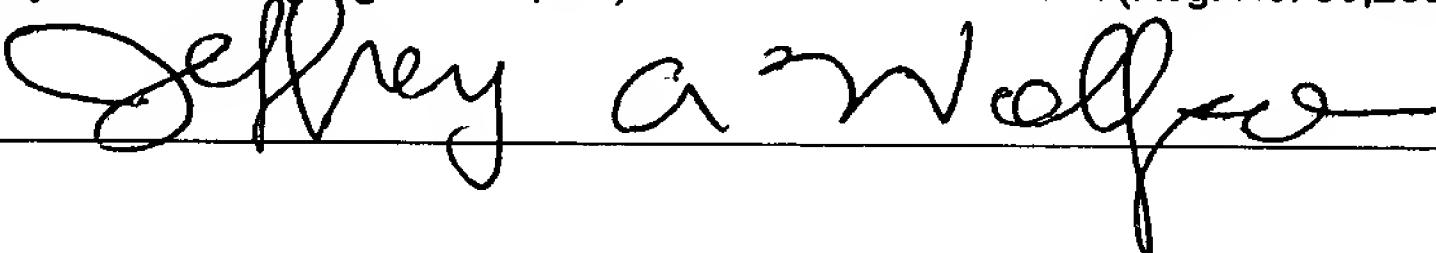
- a. Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. Other _____

3. Fees The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-1814
 - i. RCE fee required under 37 C.F.R. § 1.17(e), which is believed to be \$750.00.
 - ii. Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
 - iii. Other _____
- b. Check in the amount of \$ _____ enclosed
- c. Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name: Jeffrey A. Wolfson (Reg. No. 42,234) For: Allan A. Fanucci (Reg. No. 30,256)

Signature: 

Date: 9/22/03

09/24/2003 BABRAHA1 00000064 501814 09837234

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: D. KLUG, *et al.*

Application No.: 09/837,234

Filing Date: April 18, 2001

For: SUGAR WAFER WITH CONFECTIONERY
FILLING AND METHOD FOR MAKING
SAME

Confirmation No.: 1401

Group Art Unit: 1761

Examiner: Lien Tran

Attorney Docket No.: 88265-4026

RESPONSE

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the final Office Action mailed March 20, 2003 and the Advisory Action mailed September 17, 2003, Applicants submit the following remarks for entry into the above-identified application.

Applicants also submit herewith a Request for Continued Examination ("RCE") and a Petition for Extension of Time to extend from the fifth month date of August 20, 2003 to and including September 22, 2003 (since September 20, 2003 falls on a Saturday), each with provision for the required fee. Applicants have also requested in the RCE that the Amendment filed July 31, 2003 be entered and considered at this time. Thus, the comments herein are directed solely at responding to the Advisory Action.

The **REMARKS** section begins on page 2 of this paper.

Should any additional fees be due, however, please charge the required fees to Winston & Strawn LLP Deposit Account No. 50-1814.